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SUBJECT: EU JHA INFORMAL MINISTERIAL

¶1. Summary. EU Justice and Home Affairs ministers met informally in Lisbon October 1-2. An embassy officer attended to follow discussion of such topics as the elimination of land and sea travel barriers in December, the establishment of a counternarcotics analysis and operations center, the submission of a package of counterterrorism proposals by Vice President Frattini in November, the submission of a package of border control proposals by Frattini in February, and the establishment of a missing children alert system based on the U.S. Amber Alert. End summary.

#### Justice and Home Affairs Informal Ministerial

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¶2. European Union Justice and Home Affairs (JHA) Ministers held an informal ministerial in Lisbon October 1-2, chaired by Portuguese Minister of Internal Administration Rui Pereira and Minister for Justice Alberto Costa. Representatives from relevant EU institutions, Vice President of the European Commission Franco Frattini, and the Turkish Minister for Justice Mehmet Ali Sahin also participated. An embassy officer attended the proceedings to hear public statements first-hand and to engage attendees on the margins.

¶3. As a lead-in to the meetings, on September 30 participating member states formally signed the protocol to establish the Maritime Analysis and Operations Center - Narcotics (MAOC-N). Portugal, Spain, France, Italy, Ireland, Netherlands, and the United Kingdom founded the center to share intelligence and coordinate counternarcotics efforts. The U.S., though not formally a member, has liaison officers assigned to the MAOC.

¶4. Also on the agenda but in advance of the informal ministerial meetings, the Spanish and Portuguese Interior Ministers held a bilateral meeting in which they established a task force to coordinate counterterrorism investigations and prosecutions. Pereira noted that although bilateral cooperation had long existed, the task force was established to be more proactive in regard to investigations and cooperation. During the proceedings, Portugal also signed a bilateral agreement with Malta to resettle refugees in Portugal that are currently resident in Malta.

#### Home Affairs - Prevention of Terrorism and Border Management

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¶5. SIS/VIS: Frattini and Pereira both noted that by Christmas, all land and sea barriers in the Schengen area will be removed for nine participating Schengen states, Cyprus having requested an extension. Air travel barriers, he said, would be removed in March. Noting that the Schengen Information System (SIS) has succeeded in its testing phase, Frattini suggested that the formal decision to implement the new rules will be taken in November. Frattini also suggested

that the EU must have an entry-exit register complete with biometric identifiers. This would, he opined, help manage overstays as well as be a useful data source for security services. Additionally, he noted that various databases and security systems need to be integrated and expanded to include travelers without visas. Moreover, such a European surveillance system must be accessible to local law enforcement. An aide to Frattini said that this package of proposals would be submitted to the college of Commissioners in February.

¶16. PNR/ETA: Frattini said he would submit a terrorism package to the Commissioners November 6 that includes a proposal to establish formally an EU-wide Passenger Name Recognition (PNR) system. He noted that the requirements demanded by U.S. negotiators convinced him that the European security services should have access to the same kind of information. Pereira and German Minister Schauble suggested that, in addition to the intelligence value, a PNR system would allow the EU to negotiate with the U.S. on an equal footing and would allow for balanced cooperation. Pereira said he would also support a PNR for intra-European flights. Schauble said further discussion on that point would be needed. Frattini and Schauble both noted that electronic travel authorizations (ETA) are useful not just for improving security, but also improving the customer service at airports. With ever increasing crowds at airports, Schauble noted that it is in a traveler's interest to participate in a voluntary ETA program.

¶17. Internet: Frattini will also submit a proposal to punish misuse of the internet. This will not, he stressed, be a limit on the freedom of expression. Pereira noted that the proposal would be limited to taking down sites that specifically incite terrorism or provide instruction in how

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to commit terrorist acts. Indeed, added Frattini, the EU already has a regulation that prohibits transfer of illegal data on the internet, without causing concerns of limitation of freedom of speech. This proposal, he continued, would only add the specific mention of terrorism. Such an update, he opined, is a good example of why the EU needs regularly to review and update its bodies of law.

¶18. Conspiracy: Pereira noted that Italian Minister Amato suggested that the ministers consider developing an EU agreement to incorporate conspiracy statutes into existing law. Current legislation is directed towards formal terrorist organizations, which does not adequately address current realities. Italy, and a few other states, punish conspiracy without being part of a formal organization; Pereira and Frattini each enthusiastically supported the idea that the EU consider the question.

¶19. Pruhm Treaty: Slovenian Interior Minister Dragutin Mate suggested that, agreement being reached, it was incumbent on Slovenia to develop the technical handbooks for implementation.

Justice  
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¶10. e-Justice Portal: Costa issued a statement that ministers agreed that the EU should have an information technology system to facilitate access to member states' judicial systems and registry systems. Member states will compile best practices on IT and regularly review performance.

¶11. Missing Children Alert: Frattini used the well-known case of Madeleine McCann, a missing British girl, to lay out his intention to develop an EU wide alert system for missing children. Frattini specifically and repeatedly mentioned the Amber Alert system in the U.S. as the model that the EU needed to copy. In addition, the e-Justice Portal, according to Costa, will include a list of missing children and direct

users to appropriate Hague Convention resources.

¶12. Child Protection: Costa also noted that the ministers agreed to expand the role of the European Mediator for international child abductions and to support the strengthening and implementation of laws related to child protection.  
Hoffman